

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORPORAL TIMOTHY SHOCKLEY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-478-KAJ
)	
GOVERNOR RUTH ANN MINNER,)	
individually; and COLONEL THOMAS F.)	
MACLEISH in his official capacity as the)	
Superintendent, Delaware State Police; and)	
DIVISION OF STATE POLICE,)	
DEPARTMENT OF SAFETY AND)	
HOMELAND SECURITY, STATE OF)	
DELAWARE.)	
)	
Defendants.)	

STIPULATION AND ORDER

The parties, by and through the undersigned counsel, hereby stipulate and agree as follows:

1. Defendants do not oppose Plaintiff's Motion for Leave to Amend to its First Amended Complaint dated May 3, 2007 (D.I. 15), and, subject to the correction of Paragraph 17 of the proposed Amended Complaint, hereby consent to the filing of Plaintiff's Amended Complaint.
2. Plaintiff agrees to correct Paragraph 17 of the proposed Amended Complaint, which contains a typographical error, to reflect the correct date of December 31, 2003.
3. The Parties agree that, by providing such consent, Defendants do not waive their right to assert that the First Amended Complaint does not relate back to the Original Complaint under the standards set forth in Rule 15(c) of the Federal Rules of Civil Procedure.

4. The Parties further agree that, by providing such consent, Defendants do not waive their right to assert a statute of limitations defense, nor does the First Amended Complaint revive, in any way, any previously expired statute of limitations.

5. Defendants preserve all defenses set forth in their previously filed Answer to the Complaint.

THE NEUBERGER FIRM, P.A.

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Steven J. Neuberger

Thomas S. Neuberger, Esquire (I.D. #243)
Stephen J. Neuberger, Esquire (I.D. # 4440)
2 East 7th Street, Ste. 302
Wilmington, DE 19801
Telephone: (302) 655-0582
Facsimile: (302) 655-9329
tsn@neubergerlaw.com;
sjn@neubergerlaw.com
Attorneys for Plaintiffs

/s/ Barry M. Willoughby

Barry M. Willoughby, Esquire (I.D. #1016)
William W. Bowser, Esquire (I.D. # 2239)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801
Telephone: (302) 571-6666, 6601
Facsimile: (302) 576-3345, 3282
bwilloughby@ycst.com; wbowser@ycst.com
Attorneys for Defendant Ruth Ann Minner

STATE OF DELAWARE, DEPARTMENT OF JUSTICE

/s/ Ralph K. Durstein

Ralph K. Durstein, III (I.D. #912)
Deputy Attorney General
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
Telephone: (302) 577-8510
Facsimile: (302) 577-6499
Ralph.durstein@state.de.us
Attorneys for Colonel Thomas F. MacLeish and
Division of State Police, Department of Safety and
Homeland Security, State of Delaware

DATED: May 25, 2007

SO ORDERED this ____ day of _____, 2007.

U.S. District Judge